

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

BARRY FIALA, INC.,

Plaintiff,

v.

Case No. 02-2248-Ma

STORED VALUE SYSTEMS, INC.,

Defendant.

JUDGMENT

This action came on for trial before the Court and a jury on October 16, 2006, the Honorable Samuel H. Mays, Jr., U.S. District Judge, presiding;

On November 3, 2006, after due deliberation and consideration of the proof presented, the jury returned a verdict as follows:

On the issue of infringement, the jury found plaintiff HAS NOT proven that defendant infringed claims 29 and 30 of the '909 patent as to hang down cards (shipped), fold back cards (POS & shipped) & snap off/one piece cards (POS & shipped);

As to the invalidity defense, the jury found defendant HAS shown that claims 29 and 30 of the '909 patent are invalid as obvious at the time the invention was made; that the '909 patent is invalid for failure to name all inventors; and that the '909 patent is unenforceable due to inequitable conduct.

IT IS THEREFORE ORDERED AND ADJUDGED that defendant Stored Value Systems, Inc. has not infringed claims 29 and 30 of U.S. Patent No. 5,918,909 with regard to Hang Down products (shipped), Fold Back products (point of sale and shipped), and snap off/one piece cards (point of sale and shipped).

IT IS FURTHER ORDERED AND ADJUDGED that claims 29 and 30 of U.S. Patent No. 5,918,909 are invalid as obvious at the time the invention was made.

IT IS FURTHER ORDERED AND ADJUDGED that U.S. Patent No. 5,918,909 is invalid for failure to name all inventors.

IT IS FURTHER ORDERED AND ADJUDGED that U.S. Patent No. 5,918,909 is unenforceable due to inequitable conduct committed during prosecution of the patent.

IT IS FURTHER ORDERED AND ADJUDGED that defendant Stored Value Systems, Inc. is awarded its costs pursuant to Fed R. Civ. P. 54(d)(1).

APPROVED:

S/ Samuel H. Mays Jr.

SAMUEL H. MAYS, JR.
UNITED STATES DISTRICT JUDGE

March 30, 2007
DATE

THOMAS M. GOULD
CLERK

Jean Lee
(By) DEPUTY CLERK